

**Big Cypress National Preserve
ORV Advisory Committee Meeting
May 19, 2009
Everglades City Community Center
Everglades City, Florida
3:30 p.m.**

Meeting Minutes

Attendance. Committee members: Present – Manley Fuller, Robin Barnes, John Adornato, Wayne Jenkins, Franklin Adams, Karl Greer, David Denham, Chuck Hampton, Barbara Jean Powell, Marsha Connell, Laurie Macdonald, Ed Woods. Not present – Curt Witthoff.

Preserve staff present: Pedro Ramos, Ed Clark, Ron Clark, Dennis Bartalino, Damon Doumlele, Don Hargrove, David Hamm, Brian Paddock, Delia Clark (contracted facilitator).

Approximately five members of the public were in attendance.

Welcome. Superintendent Ramos welcomed members of the ORVAC and thanked them for their participation on the committee. He thanked NPS staff for all of the hard work that was put into preparation for this evening's meeting and thanked the general public for being present and participating in this process. Mr. Ramos extended a very special recognition and welcome to Joe Browder and acknowledged him as the "Grandfather of Big Cypress National Preserve." He asked Mr. Browder to give his perspective on the founding of Big Cypress and how people of various backgrounds and sometimes conflicting interests came together to protect what is now Big Cypress National Preserve. Mr. Ramos apologized for not being present for the previous meeting, and he believes that he will not miss another meeting. He addressed the issue of the meetings getting out of hand and noted that we are straying away from our meeting structure and agreed protocols. He introduced J. D. Lee as the Deputy Superintendent and gave the audience a brief background of Mr. Lee's experience with the National Park Service. Mr. Ramos announced that the acting Secretary of the Interior thanked the ORVAC for their hard work and participation on the Committee and stated that there were incredible opportunities coming our way in the form of economic stimulus funding for the NPS, including \$600,000 for the ORV trail system. Mr. Ramos provided an update on Preserve activities as follows:

- The Addition GMP draft will be coming out soon, and we will hold public meetings on both coasts and in Everglades City. The plan will consist of a GMP/Wilderness Study/ORV Management Plan for the Addition Lands
- The GMP will be completed sometime in 2010
- The ORVAC charter needs to be renewed and some members' terms are expiring; we hope to provide continuity in this process

Mr. Ramos recognized the work that the ORVAC and its subcommittees have done. At the conclusion of his opening remarks, he turned the meeting over to Delia Clark.

Ms. Clark explained the public comment process and said that tonight there will be three public comment periods:

1. 5:35 ORV trail marking plan
2. 7:05 Secondary trail definitions
3. 7:35 General

Ms. Clark asked the public to use cards that are placed at the rear of the room to identify themselves and the topic they would like to comment on. She explained that the committee can be reached between meetings for public comment at <http://parkplanning.nps.gov>.

Approval of Minutes. Mr. Jenkins noted an error on page 16 that should be corrected; Turner River trails should replace Bear Island trails. Mr. Adams referenced page 12 and asked for clarification from Matthew Schwartz if he said that there were no hiking trails within 185,000 acres of the Turner River Unit. Mr. Schwartz responded that there were no designated hiking trails. Mr. Adams noted that the Florida Trail is located in the Turner River unit. Approval of the minutes was deferred until later in the meeting.

Presentation by Joe Browder. Mr. Browder gave an overview of the politics of the time and public opinion that formed the catalyst to save Big Cypress from development. Highlights of his presentation discussion are as follows:

- There are some issues, principles, and values that were operative in the early 60s and 70s that he felt important for people to understand before Big Cypress became a unit of the national park system
- The Preserve was designed as a place for local people to have more respect, more input, and more ability for continued uses that they have engaged in before the Preserve was possible
- In 1954 Everglades National Park boundaries were adjusted and Big Cypress land area was removed as a portion of the park
- During the 1960s things changed when an airport was planned for construction
- Up to the day the President signed the bill creating the Preserve, the NPS opposed the idea of a Preserve
- Big Cypress is the biological heart of the Everglades system, and it was strange that the NPS did not recognize the fact
- Hunters and others have a connection to Big Cypress
- It became obvious that if the federal government did not own Big Cypress, it would be drained and developed, which was the primary purpose for protecting the land
- People saw the western part of the Everglades as the least developed portion of the system
- The Preserve was almost completely privately owned, and politics allowed developers to buy small tracts of land

- Hunters lobbied state legislators to save Big Cypress from development
- To create the Preserve's land area required the largest taking of private property ever undertaken by the federal government in the national park system
- The future for the Miccosukees was not so bright
- Most of the environmental community was on board with the idea that traditional uses will be able to continue
- When the Preserve was created, there was no casual ORV use
- ORV use at the time of the establishing legislation centered on hunters and their use of ORV equipment; there was no way possible that they could have contemplated the use that the Preserve is facing today
- Mr. Browder hopes that the ORV community will continue to enjoy the use of their vehicles in the Preserve and stated that the ORVAC should work to uphold traditional uses

Mr. Adams thanked Mr. Browder and particularly appreciated his comments about the three-wheelers and four-wheelers that were not contemplated back when the legislation was written.

Mr. Browder recommended we need to return to the roots of the issues and discuss what the law intended.

Mr. Adams asked if there were any recommendations to protect the Preserve from ORV impacts. Mr. Browder replied that discrimination is needed; that the legislation was set up for hunters and landowners. Big Cypress was never meant to be a Mecca for ATV enthusiasts but was set up for hunters and landowners. He feels that there is an exaggeration of ORV impacts and that the Preserve was created for traditional uses and not for everyone who owns a machine.

Mr. Fuller stated that 2,000 ORVs are allowed per year and asked Mr. Browder if the Preserve should recognize trail riders. Mr. Browder opposed the idea of trail riders and stated that a place should be found for this type of recreation outside of Big Cypress.

Ms. Macdonald made a distinction between recreational riders and hunters and said that Big Cypress is a national preserve and belongs to all people of the U.S.; she felt that the Preserve is not a proprietary land area.

Mr. Browder said that there are various types of traditional uses, and a person could live in Milwaukee, buy a hunting license, and hunt in Big Cypress. He reaffirmed his position that Big Cypress was established for traditional uses and recognized that the Preserve does have a different management regime.

Mr. Powell asked how to distinguish between traditional users and casual riders. Mr. Browder replied through the purchase of hunting licenses; people use the Preserve more intensely during hunting season.

Ms. Powell stated that air boaters are rarely discussed and are restricted to a very small area of the Preserve. She spoke of hardships that air boaters are facing and asked for Mr. Browder's opinion on what could be done to help them. Mr. Browder explained that all of these limited classes of uses are controlled by the NPS, and the protection of resources is paramount. He said that ORV use is a small price to pay to protect the Big Cypress from development.

Mr. Adornato stated that the Preserve was created with the full understanding of the Organic Act. There are activities allowed in Big Cypress that are not allowed in other units of the NPS. The concern is ORVs and not whether traditional uses would continue.

Mr. Adams explained that he has been a friend of Big Cypress and has tried to work with every superintendent. He blames Preserve management for not recognizing user groups. People should work on what they have in common and not their differences.

Mr. Browder said that it would be a mistake to look beyond the threats to the Preserve and that the NPS did not take its mandates firmly. He hopes that everyone can come together just as in the past to work out solutions to today's problems.

Mr. Fuller stated that he sat in Lawton Chiles' office and testified in all cases and that everyone recognized that the Preserve is different from any other park unit. At that time Lawton Chiles was aware that the Preserve would be managed differently and lectured to Fred Fagergren his belief that the Preserve was not being managed per its legislative intent. Congress passed the Organic Act and Congress created the Preserve; they should not trump each other out. The Organic Act applies to most park units, but the Preserve is different.

Mr. Ramos thanked Mr. Browder for all of the great work that he has done and reminded the audience that it was important for all to work together to move forward. He asked that the committee revisit the establishing legislation and other documents and turned the meeting over to Ms. Clark.

Ms. Clark asked the Committee if they could stay an extra 15 minutes and began discussions on protocol.

Public Comment Process

The goal of this portion of the meeting was to determine how the ORVAC can work effectively and efficiently while receiving needed feedback information from the public. The committee discussed a proposed protocol, attached to these minutes.

On the issue of how to treat subcommittee members who are not ORVAC members, Ms. Macdonald suggested recognizing subcommittee members at the beginning of the meeting on the agenda. Ms. Powell felt that it would be more appropriate to respect the individuals who worked on the subcommittees by allowing them to sit at the table.

Frank Denninger stated that he had spent an enormous amount of time and effort participating on subcommittees, and subcommittee members should be recognized and allowed to sit with the ORVAC.

Decision: The ORVAC will fully respect subcommittee members and they will remain seated. ORVAC members will raise their hands and be recognized to invite public subcommittee members.

Inaccurate statements from the public during public comment will be addressed in writing, and a note will be given to the facilitator, who will address the issue.

Mr. Adams suggested that the time allotted for public commenters be expanded to five minutes.

Decision: Public comments will remain at three minutes, but the ORVAC may ask questions.

There was a suggestion that public comment follow each agenda item whenever the committee makes a recommendation, but not for every agenda item.

Education and Public Use Subcommittee Report. Ms. Powell stated that the subcommittee is charged with advising on the trail marking and volunteer program. The volunteer program will be discussed during the July meeting. Recommendations for trail marking are as follows:

1. The Preserve should not be a sign-intensive place
2. Discuss difficulty and challenges of each trail
3. Warn of deep holes and other hazards
4. Signs should be minimal and placed at one-mile intervals
5. Do not place GPS coordinates at each sign location
6. Kiosks should include statements such as appropriate and inappropriate uses
7. ORV course will teach fundamentals not needed in the backcountry
8. Subcommittee will convene on a conference call and give Preserve management their recommendations

Discussion.

- Mr. Adams recommended use of trail markers and recommended signage placement at trail intersections showing GPS coordinates
- Mr. Adornato felt that it would be advantageous for the subcommittee to identify specific topics and get back with the committee at a later time when appropriate notes will be summarized and recommendations made
- Ms. Macdonald asked questions about access point kiosks. Ms. Powell stated that one problem with kiosks is inadequate space for information. There should be bullet statements that point out rules of the trail

- One member felt that marking hazards ruins the backcountry experience, i.e., too many markers in the backcountry
- One member asked if signs encourage use by people that the traditional ORV community is trying to discourage

Public Comment.

Lyle McCandless spoke on behalf of himself and the Big Cypress Sportsmen's Alliance:

- Signage should be located at intersections
- In the Bear Island Unit on the east side, trails were not marked adequately
- Too much marking provides opportunity for people who should not be there
- Bear Island trails should not have been closed

Matthew Schwartz represented himself and the Sierra Club:

- Wilderness character of the backcountry should be retained
- Minimize signage
- At Cypress Camp Trail sawhorses were used to block trails
- Plan closed all prairies to ORVs

Frank Denninger:

- Appreciates people with knowledge
- Everyone learned from the school of hard knocks
- On Concho Billie trail there were difficult places to traverse the area
- There are prairies that can support ORVs

Christian Mogelvang:

- Traditional use involves no official bureaucracy
- Emphasized personal freedom

Discussion.

- Mr. Adornato asked if there should be GPS coordinates on signs, and there was no response from the committee
- Ms. Powell asked how private property access trails should be identified
- Mr. Fuller: Sometimes private landowners have chains across their access road; does NPS have a policy on landowners chaining or gating their access road?
- Ms. Powell agreed to synthesize what she has heard and pass the information out to committee members
- ***Decision:*** At trail junctions place mileage to access point on signage
- ***Decision:*** Committee will review Ms. Powell's notes before submission to the NPS.

Turner River Unit Trails. Ron Clark, Chief of Resource Management, provided an update on work progression on the Turner River Unit trail system:

- There are currently 130 miles of primary trails in the unit. The ORV plan allows for approximately 140
- The task that was placed before us was to minimize impacts to Preserve resources
- Maps generated by the subcommittee were placed on an aerial photo and ground-truthed by staff
- These trails were evaluated in consideration of several factors including vegetation, soils, substrate, and wildlife considerations

Discussion.

- Mr. Adams believed that it will be helpful to place landmark names on maps as a help to recognize locations
- Turner River North access point relocation was rejected due to substrate and narrow trail, and there is a need for a canal crossing
- Mr. Jenkins has GPS coordinates for certain trails that he is willing to share
- Mr. Ramos will process recommendations made by the ORVAC quickly, and the objective is to stop dispersed use as soon as possible
- Mr. Fuller said that there are some proposed trails that meet specific criteria and asked if the NPS will evaluate trails that do not meet criteria
- Ms. Powell stated that the public alleged that the subcommittee rejected proposals. She was under the impression that all public input that was submitted on the map would be recognized
- Mr. Ramos said that the NPS received an extraordinary amount of information for establishment of recommended trails from the public for evaluation. A decision was made to evaluate trails that meet specific criteria. NPS will implement the ORV Plan based on guidance provided in the plan
- Ms. Powell asked for further clarification on whether the agency filtered out or eliminated trails before the subcommittee had an opportunity to view the data; Mr. Doumlele replied no
- Ms. Macdonald said that the secondary trail issue remains unresolved

Secondary Trail Subcommittee Report. Subcommittee members are as follows: Ms. Powell, Mr. Adornato, Frank Denninger, Mr. Adams, Mr. Greer, and Mr. Hampton. Ms. Powell sent notes to the subcommittee members at 2:15 a.m., and Mr. Adornato said that the subcommittee had not had an opportunity to review her notes.

The ensuing discussion focused on the definition of a secondary trail, described as being a trail that allows one-way traffic to and from a destination such as a campsite. Committee members felt that there are other factors that should be considered, such as the establishment of sufficient space to turn around once a destination is reached. They felt that further clarification is needed in the definition of a destination, as many members felt that other sites should qualify as destinations other than private property and camps.

The subcommittee pointed out that that pull-offs are needed to allow ORVs to safely pass each other and discussed trail treatments that they agreed should be spot treatments only.

More discussion is needed on the subjects of secondary trails and the distance between trails. One member said that that he supports the ORV plan but feels that the wording is imprecise and gives the NPS too much flexibility. Discussion centered on secondary trail definitions and whether loop trails should be included, and Mr. Ramos suggested that these topics be placed on the next meeting's agenda.

Ms. Powell reminded all in attendance that that the trail system is used for recreation and to provide access.

Mr. Adams stated that the ORV community has given up hundreds of miles of trails and would like to see others work with the ORVers rather than demanding that they give away more opportunity to recreate. He likes the idea of loop trails, since they would prevent unnecessary turn-arounds.

Ms. Clark asked if loop trails only came up once in the Turner River Unit.

Mr. Greer pointed out that he did not want his point lost that loop trails are appropriate in the area of camps in the Preserve.

Mr. Woods commented that established trails are primary and all others should be considered secondary trails.

Mr. Ramos recognized that loop trails seem to be a problem that warrants further discussion.

Decision: The public may use public trails up the landowner's boundary.

Mr. Fuller asked how much variation will be allowed in the secondary trail system.

Ms. Clark offered to work with each subcommittee member in order to reach consensus on the issue.

Ms. Macdonald reminded the subcommittee to consider visitation rights to allow neighbors to visit each other.

Public Comment on Secondary Trails:

Kathleen Rhoad:

Resides in Fort Lauderdale since 1980 and worked on trails and discussed her hiking experience. She said that hikers seek out solitude and asked for deliberation on secondary trails. She asked how the NPS enforces secondary trails from trail riders.

Matthew Schwartz:

Read the purpose of the ORV plan. Essentially, the document described ORV impacts that may occur to wildlife, visitor experience, and resources. He encouraged the ORVAC to look at the document before making decisions.

Lyle McCandless:

During one of the past ORVAC meetings the NPS said that there will be a file created for each recommended trail submitted by the public. Miles of trail should not be an issue. He worked closely with Karen Gustin and Pedro Ramos to get a reasonable trail system in at Bear Island. He asked if it would be possible to have a secondary trail placed into the trail network after the trail system has been established.

Mr. Ramos responded by requesting that Mr. McCandless submit his question in writing to give the ORVAC an opportunity to deliberate on it.

Ms. Macdonald said that she is interested in the analysis and process of elimination of trails.

Minutes. The minutes of the May 19 meeting were approved.

General Public Comments:

Kathleen Rhoad:

Suggested that that NPS take panther studies that go back to the 80s and overlay panther data on secondary trails to assist in determining a reasonable secondary trail network.

Lyle McCandless:

He was assured by telephone conversation that Bear Island trails would remain open until the end of hunting season and at that time they would be analyzed to determine if they would remain open. The trails were closed last year approximately three weeks before the close of hunting season. He followed up with a written request for temporary access to the area until a solution was reached and was told that the pending lawsuit would not allow the NPS to address his request at the time. He volunteered to serve on the vehicle subcommittee and asked for an update on the status of the committee. Ms. Powell stated that she will speak to him about the status of the subcommittee. He recounted that there were 122 ORVs counted on opening day of general hunting season, which is one ORV per 4,560 acres.

Matthew Schwartz:

He had recently finished reviewing the Everglades National Park General Management Plan that described damages to various types of habitat such as reefs and seagrass beds.

He feels that public lands are being abused and overused, and we need to protect these areas from further degradation.

Frank Denninger:

In reviewing the March 24, 2009, minutes, people may want to check where it was mentioned that Mr. Ron Clark et al. will have to describe why trails were rejected from the process.

Discussion.

Mr. Fuller recommended that the Committee move forward with a recommendation for primary trails and secondary trails including those that were identified for NPS evaluation.

Mr. Ramos felt good about where we are and with the Committee's performance but would like some idea of how the ORVAC will deal with the matter of secondary trails that lead to private property.

Mr. Greer asked what trails are being treated next and what section of trails will be treated next.

Decision: NPS will identify and place on PEPC the location of areas and trails that will be treated next.

Mr. Ramos announced that the Preserve received \$600,000 of federal stimulus money for trail stabilization projects.

The meeting adjourned at 9:15 pm.

Protocol for Public Participation At ORV Advisory Committee Meetings

1. ORVAC meetings are open to the public, and times will be published in the agenda to allow the public to comment on specific topics scheduled for ORVAC consideration. These times might vary slightly from the schedule, but not significantly. There will also be a time on the agenda set aside for general public comment on any topic, although such comments should be related to ORV management in the Preserve.
2. ORVAC meetings are not public hearings, interrogations, or debates.
3. Individuals wishing to speak on topics not on the agenda will be encouraged to speak during the general comment period or communicate with the ORVAC or NPS through other means, i.e., letter, email, links on Preserve website, etc.
4. The public will not generally be allowed to speak other than during designated public comment periods. An exception may be if the ORVAC asks an individual to address the committee on a topic for which the individual has particular knowledge, or if the person is serving as a member of an ORVAC subcommittee. Otherwise, public members of subcommittees will be considered as members of the public during ORVAC meetings and will remain in the audience.
5. Individuals should print their name on a card indicating which scheduled comment period(s) in which they wish to speak. When the time for a comment period arrives, the facilitator will collect the cards and permit individuals to speak according to the topic at hand.
6. If more individuals wish to speak, as indicated on the cards, than the time allotted on the agenda for the topic allows, the facilitator may cut off further comment or extend the comment period, at the ORVAC's discretion.
7. If all speakers who turned in cards have been allowed to speak and time allows, the facilitator may ask the audience if anyone else desires to speak on the topic at hand.
8. The facilitator should not allow anyone to speak twice during a given comment period until everyone has had the opportunity to speak once, and only if time allows.
9. Speakers will only address the topic at hand and will have up to three minutes to speak. This will be strictly enforced.
10. In order to ensure that all speakers are given equal treatment, individuals will not be allowed to "yield their time" to other speakers, nor will any speaker be allowed to exceed the three-minute limit for any reason. Speakers will also not be allowed to claim a separate time slot in order to speak for someone who is not present. If someone is unable to attend the meeting, they may express their views to the subcommittee by writing, calling, or emailing.

11. If a speaker wishes his comments to be recorded verbatim for the record, he must submit them in writing. Otherwise, his comments will be paraphrased for the minutes.
12. Speakers will stick to the subject and refrain from personal attacks. The facilitator will warn the speaker if this rule is violated, and if the violation persists, will ask the speaker to cease his remarks and be seated.
13. During times reserved for public comment, speakers may only express their opinions concerning the topic and may not question the ORVAC, NPS staff, or anyone else present at the meeting. Such questions should be reserved for times before or after the meeting or during breaks. However, speakers may choose to use their time to enumerate questions they have that they have related to the topic that they would like the ORVAC to address at a future time.